

Fair Processing Statement

Financial Assessment & Finance Safeguarding Team

What happens to information held about you? Your rights and our obligations to you.

How We Use Personal Data

This document explains how the Financial Assessment and Finance Safeguarding Team (FAFST) obtains, holds, uses and discloses information about people (their personal data), the steps we take to ensure that it is protected, and also describes the rights individuals have in regard to their personal data handled by FAFST.

The use and disclosure of personal data is governed by Data Protection Act legislation. As such FAFST is obliged to ensure that it handles all personal data in accordance with the legislation.

FAFST takes that responsibility very seriously and takes great care to ensure that personal data is handled appropriately in order to secure and maintain individuals' trust and confidence in the Council.

1. Why do we handle personal data?

The FAFST processes personal information to carry out a financial assessment which enables it to calculate and collect a person's charge/councils contribution. We also handle personal information where we manage a person's financial affairs when the Corporate Director Wellbeing acts as Deputy under the Court of Protection or Appointee with the Department for Works and Pensions.

2. What type/classes of personal data do we handle?

In order to carry out the purposes described under section 1 above FAFST may obtain, use and disclose personal data including the following:

- Personal details, such as name, address, date of birth and National Insurance number
- Family details
- Lifestyle and social circumstances
- Financial details, such as details of your income bank accounts, savings and investments
- Details of relevant expenses relating to a medical condition or disability
- Employment and education details
- Housing needs and costs
- Visual images, personal appearance and behavior
- Case file information
- Physical or mental health details
- Racial or ethnic origin
- Offences (including alleged offences)
- Religious or other beliefs of a similar nature
- Criminal proceedings, outcomes and sentences.
- Wishes upon death including Will and funeral plan details
- Utility company details
- Details of debts and creditors

The FAFST will only use appropriate personal data necessary to fulfil a particular purpose or purposes. Personal data could be information which is held on a computer, in a paper record i.e. a file, as images, but it can also include other types of electronically held information e.g. media recordings.

The FAFST sometimes needs information about people other than the person who has applied for a benefit or service to work out what that person is entitled to receive or needs to contribute towards the cost of the service received.

3. Who information is processed about

In order to carry out the purposes described under section 1 above, FAFST may obtain, use and disclose personal data about the following:

- Customers
- Suppliers
- Staff, persons contracted to provide a service
- Claimants
- Complainants, enquirers or their representatives
- Professional advisors and consultants
- Carers or representatives
- Landlords
- Recipients of benefits
- Witnesses
- Offenders and suspected offenders
- Representatives of other organisations

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4. Where do we obtain personal data from?

In order to carry out the purposes described under section 1 above, FAFST may obtain personal data from a wide variety of sources, including the following:

- Department for Work and Pensions
- Private pension companies
- Care providers
- Law enforcement agencies
- HM Revenue and Customs
- Land Registry department
- Legal representatives
- Prosecuting authorities
- Defence solicitors
- Courts
- Voluntary sector organisations
- Approved organisations and people working with the Council
- GP's, Consultants and other Health professionals
- Auditors
- Central government, governmental agencies and departments

- Emergency services
- Individuals themselves
- Relatives, guardians or other persons associated with the individual
- Current, past or prospective employers of the individual
- Healthcare, social and welfare advisers or practitioners
- Business associates and other professional advisors
- Employees and agents of BCBC
- Suppliers, providers of goods or services
- Persons making an enquiry or complaint
- Financial organisations and advisors
- Credit reference agencies
- Medical consultants and GPs
- Survey and research organisations
- Local government
- Voluntary and charitable organisations
- Ombudsman and regulatory authorities
- The media
- Data Processors working on behalf of BCBC
- Information openly available on the internet
- Other departments within the Council

The FAFST may also obtain personal data from other sources such as its own systems, or correspondence.

5. How do we handle personal data?

In order to achieve the purposes described under section 1 the FAFST will handle personal data in accordance with data protection legislation. In particular we will ensure that personal data is handled fairly and lawfully with appropriate justification. We will strive to ensure that any personal data used by us or on our behalf is of the highest quality in terms of accuracy, relevance, adequacy and non-excessiveness, is kept as up to date as required, is protected appropriately, and is reviewed, retained and securely destroyed when no longer required.

6. How do we ensure the security of personal data?

The FAFST takes the security of all personal data under our control very seriously. We will ensure that appropriate policy, training, technical and procedural measures are in place, including audit and integrity monitoring, to protect our manual and electronic information systems from data loss and misuse, and only permit access to them when there is a legitimate reason to do so, and then under strict guidelines as to what use may be made of any personal data contained within them. These procedures are continuously managed and enhanced to ensure up-to-date security.

7. Who do we disclose personal data to?

We sometimes need to share information with the individuals we process information about and other organisations. Where this is necessary we are required to comply with all aspects of the legislation. What follows is a description of the types of organisations we may need to share some of the personal information that we process with for one or more reasons:

- Customers

- Family, associates or representatives of the person whose personal data we are processing
- Current past and prospective employers
- Healthcare, social and welfare organisations
- Educators and examining bodies
- Providers of goods and services
- Financial organisations
- Local and central government
- Department for Work and Pensions
- HM Revenue & Customs
- Ombudsman and regulatory services
- Professional advisers and consultants
- Courts and tribunal
- Political organisations
- Analytic, survey and research organisations including any organisation that Welsh Government commissions to undertake research on their behalf
- Credit reference agencies
- Police Force
- Professional bodies
- Survey and research organisations
- Police forces
- Housing associations and landlords
- Voluntary and charitable organisations
- Data processors
- Regulatory bodies
- Courts, prisons
- Customs and excise
- Local and central government
- International law enforcement agencies and bodies
- Security companies
- Partner agencies, approved organisations and individuals working with the police
- Licensing authorities
- Service providers
- Utility companies
- Healthcare professionals
- Current, past and prospective employers and examining bodies
- Law enforcement and prosecuting authorities
- Legal representatives, defence solicitors
- The disclosure and barring service
- External claim handlers
- Barristers
- Insurance Brokers and Insurers
- Pensions Administrators
- Training Providers
- Auditors
- Other council services
- Other agencies to assist with the prevention of fraud

It may sometimes be necessary for the Council to transfer personal information overseas. When this is needed information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with all aspects of the legislation.

8. What are your rights in relation to your personal data which is handled by BCBC?

Individuals have various rights:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

Right to be informed

You have the right to be informed about the collection and use of your personal data. The Council must provide you with information including: purposes for processing your personal data, retention periods for that data, and who it will be shared with. This is called 'privacy information'.

Right of access

You can obtain a copy, subject to exemptions, of your personal data held by the Council. A copy of the application form is available from:

<https://www.bridgend.gov.uk/my-council/freedom-of-information/data-protection/>.

You are also entitled to obtain confirmation as to whether or not data concerning you is being processed by the Council. Where that is the case, you are entitled to the following information subject to exemptions:

- The purposes of and legal basis for the processing
- The categories of personal data concerned
- The recipients to whom the personal data has been disclosed
- The period for which it is envisaged that the personal data will be stored
- Communication of the personal data undergoing processing and of any available information as to its origin.

*Please note that 'processing' means an operation or set of operations performed on personal data such as collection, recording, organisation, structuring, storage, adaption, alteration, erasure, restriction, retrieval.

Proof of ID and any further information needed to locate the information may be required before the Council can comply with your request.

Any request for the above information should be made in writing to the Data Protection Officer and the Council will respond within one month.

Rectification of data

You can request the Council to rectify inaccurate personal data relating to you. If the data is inaccurate because it is incomplete, the Council must complete it if is required to do so by you.

A request should be made in writing to the Data Protection Officer and a response will be sent within one month.

Erasure or restriction of personal data

You can request that the Council erase your data or restrict any processing of your data, subject to exemptions.

All requests should be made to the Data Protection Officer. The Council will then inform you of whether the request has been granted and if it has been refused, the reasons for the refusal.

Right not to be subject to automated decision-making

You have the right, subject to exemptions, not to be subject to a decision when it is based on automated processing and it produces a legal effect or a similarly significant effect on you. You have a right to express your point of view and obtain an explanation from the Council of its decision and challenge it.

However, it should be noted that this right does not apply to all decisions as there are exemptions for example authorisation by law, performance of a contract to which you are a party.

Right to data portability

The right to data portability allows you to obtain and reuse your personal data for your own purposes across different services.

The right only applies to information you have provided to the Council.

Right to object

You have the right to object to the processing of your personal data in certain circumstances.

The Council has one calendar month to respond to an objection.

9. How long does BCBC retain personal data?

BCBC keeps personal data as long as is necessary for the particular purpose or purposes for which it is held in accordance with the Council's Data Retention Policy.

10. The lawful basis on which we use this information

The Council must have a valid lawful basis in order to process personal data. Which basis is more appropriate to use will depend on the purpose and relationship with the individual.

The lawful basis for us to use your information is in order to satisfy our legal obligation under Financial Assessment and Safeguarding the individuals, prevent fraud and to undertake our council duties.

Under the Act the lawful bases for processing are:

(a) **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.

(b) **Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

(d) **Vital interests:** the processing is necessary to protect someone's life.

(e) **Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

11. Contact Us

Any individual with concerns over the way BCBC handles their personal data may contact the Data Protection Officer at the Council as below:

Bridgend County Borough Council, Information Office, Civic Offices, Angel Street, Bridgend, CF31 4WB.

E-mail foi@bridgend.gov.uk

Telephone 01656 643565

You can also raise concerns with the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office – Wales
2nd Floor
Churchill House
Churchill Way
Cardiff
CF10 2HH

Telephone: 02920 678400 Fax: 02920 678399

Email: wales@ico.org.uk

Website: <https://ico.org.uk/>